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8 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
9 **SAN FRANCISCO DIVISION**

10 **DAVID MELVIN and J.L.**, individually
11 and on behalf of all others similarly
situated,

12 *Plaintiffs,*

13 v.

14 **23ANDME, INC.**, a Delaware corporation,

15 *Defendant.*
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Case No.: 3:24-cv-00487-SK

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL
LOCAL RULES 3-12 AND 7-11**

1 Plaintiffs David Melvin and J.L. submit this administrative motion pursuant to Civil Local
 2 Rules 3-12 and 7-11 to consider whether the above-entitled action, *Melvin, et al. v. 23andMe, Inc.*,
 3 No. 3:24-cv-00487-SK (N.D. Cal) (the “*Melvin Action*”), should be related to *Santana, et al. v.*
 4 *23andMe, Inc.*, No. 3:23-cv-05147-EMC (N.D. Cal) (the “*Santana Action*”). A proposed order and
 5 a declaration pursuant to Civil Local Rule 7-11(a) are attached hereto. This action was filed on
 6 January 26, 2024. The *Santana Action* was filed on October 9, 2023, and is currently assigned to the
 7 Honorable Edward M. Chen. There are over 30 other cases filed in this District which have been
 8 related to the *Santana Action*. (*See Santana* dkt. 54.) Plaintiffs’ Counsel have concurrently moved
 9 to be appointed interim lead counsel of the class actions against 23andMe, and request that this
 10 Court hear that motion after ruling on relation of the *Melvin Action*. A copy of the Motion to
 11 Appoint Interim Leadership of Class Action, filed in the *Melvin Action* (*see Melvin* dkt. 4), is
 12 attached here. (*See Exhibit A.*)

13 Plaintiffs submit that the *Melvin Action* is related to the *Santana Action* within the meaning
 14 of Civil Local Rule 3-12(a). Actions are related when (1) they “concern substantially the same
 15 parties, property, transaction, or event;” and (2) “[i]t appears likely that there will be an unduly
 16 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
 17 different Judges.” Civil L.R. 3-12(a). The *Melvin* and *Santana* Actions involve the same Defendant
 18 and arise from the same event. Specifically, Plaintiffs—and the putative classes they seek to
 19 represent—in both cases are consumers whose personal genetic information and other identifying
 20 information were accessed through Defendant’s website, 23andMe, by unauthorized persons (the
 21 “Data Breach”). The Plaintiffs in each case allege that the Data Breach occurred as a direct result of
 22 Defendant’s failure to adequately secure and safeguard the sensitive information entrusted to it, and
 23 seek monetary damages, injunctive relief, and other equitable relief. As such, both actions will
 24 require adjudication of substantially the same questions of fact and many of the same issues of
 25 liability. Given these similarities, separate adjudication of these cases would likely create undue
 26 burden on the Court and the Parties, duplication of labor and expenses, and potentially conflicting
 27 results. *See* Civil L.R. 3-12(a)(2).

28 Accordingly, Plaintiffs respectfully request that the *Melvin Action* be deemed related to the

1 *Santana* Action pursuant to Civil Local Rule 3-12.

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3 Respectfully Submitted,

4 **DAVID MELVIN** and **J.L.**, individually and on
5 behalf of all others similarly situated,

6 Dated: January 26, 2024

By: /s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

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